

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554



JUN 7 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Administration of the) CC Docket No. 92-237
North American Numbering Plan) Phase One

COMMENTS OF
THE CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION

The Cellular Telecommunications Industry Association ("CTIA") hereby submits its comments on the Notice of Proposed Rule Making (Notice) in the above-captioned proceeding. CTIA is a trade association whose members provide Commercial Mobile Services, including over 95 percent of the licensees providing cellular service to the United States, Canada, and Mexico, and the nation's largest providers of ESMR service. CTIA's membership also includes wireless equipment manufacturers, support service providers, and others with an interest in the wireless industry. CTIA and its members have a direct and vital interest in the outcome of this proceeding.

Introduction

In this docket, the Commission has proposed that the ministerial function associated with the administration of the North American Numbering Plan ("NANP") be undertaken by a single, non-government entity, and that the FCC should impose fees to recover its costs of regulating number resources. The

Notice also seeks comment on whether a new board should be created to assist in establishing numbering policy and resolving disputes, subject to oversight by federal and state regulators, and whether the Commission, with other World Zone 1 regulators, should impose mandatory number charges to finance the international administration of the NANP.¹ CTIA supports the Commission's tentative conclusions and offers the following comments.

NANP Administration

The Notice identifies four separate functions associated with NANP administration: (1) policy-making; (2) dispute-resolution; (3) maintenance of number databases; and (4) processing applications for number assignments. In addition, the Commission has tentatively concluded that the ministerial tasks of assigning numbering resources perhaps should not be vested in an existing, non-government entity, such as the Alliance for Telecommunications Industry Solutions ("ATIS"), rather such tasks should be transferred to a new, non-government entity established by the Commission to be responsive to the needs of the industry and accountable to regulators without being identified with any particular segment of the telecommunications industry.

¹ In Phase Two of this Docket (and Section III of the Notice of Proposed Rulemaking), the Commission seeks comment on the transition period for expanding Feature Group D Carrier Identification Codes from three digits to four digits. CTIA's comments are limited to the Phase One issues.

CTIA and many of its member carriers have participated in industry numbering activities that now are consolidated in a single Industry Numbering Committee ("INC").² While ATIS has been very supportive in sponsoring many of these activities, as noted in the Notice, ATIS has been identified closely with the LECs who fund its activities and make up its governing board. Notice at ¶ 15.

As CTIA and others repeatedly have observed, the administration of the NANP and the assignment of new numbering resources are of great competitive importance to all segments of the telecommunications industry. Because of the great stakes involved in the assignment of new service access codes and numbers, and the need, when appropriate, to deny requests for numbering resources, it is crucial that the administrator be impartial and avoid the appearance of any partiality. While ATIS certainly is capable of acting impartially, it is not clear to CTIA that the restructuring of the ATIS governing board has eliminated industry concerns about continued LEC dominance. CTIA will review carefully the ATIS comments in this proceeding to determine whether the recent restructuring has removed the appearance of LEC influence. Without such action, industry confidence in ATIS, like Bellcore before it,

²The Future of Numbering Forum, referenced in paragraph 6 of the Notice, recently adjourned its activities pending the outcome of this proceeding.

will be doomed by its close identification with a single industry segment.

Absent a convincing showing that ATIS has eliminated all vestiges of LEC dominance by opening its governing board to all industry segments, CTIA supports the Commission's tentative conclusion that NANP administrative functions should be assigned to a new single, non-government entity established by the FCC.³

The Notice also seeks comment on the Commission's role in providing regulatory oversight to the NANP numbering entity. CTIA supports creation of the proposed policy board to guide the NANP administrator and to assist in the resolution of numbering disputes. CTIA agrees that such a board may offer a less-burdensome alternative to existing policy-making and dispute resolution procedures, while preserving the rights of interested parties to seek the formal intervention of the FCC through complaints, petitions, and other existing procedures.

Steps to Insure Nondiscriminatory Number Administration

As CTIA stated in its previous Comments in this docket, a single forum with representation from all industry segments is needed to insure fair, open, and nondiscriminatory number

³The new NANP administrative entity would be separate from the Commission, but subject to its oversight. See Notice at ¶ 18. Of course, the Commission retains broad jurisdiction to regulate telephone numbers and their administration under any administrative scheme. Id., at ¶ 8.

assignments. To succeed in developing the policies and guidelines that will govern number administration and assignments, it is crucial that all requests and assignments be handled in a uniform, fair, and impartial manner according to predefined guidelines. In brief, number administration should:

Reflect input on numbering issues from all segments of the telecommunications industry;

Recognize that all telecommunications service providers require equal access to numbering resources, including both geographic and non-geographic numbers;

Enable all telecommunications providers to request and obtain any combination of numbering resources necessary to offer their service(s). Requests and assignments must be handled in a uniform, fair, and impartial manner according to predefined guidelines;

Assign numbering resources for non-geographic wireless personal communications services throughout World Zone 1;

Insure, through clear and specific guidelines, that the assignment of numbering resources are uniform for all geographic and non-geographic services; and

Permit carriers, without restriction, to implement telecommunications services using either geographic or non-geographic numbering resources.

There also must be a clearly defined administrative review process that will insure an immediate and direct appeal by any party aggrieved by a decision (or a failure to act) made by the North American Numbering Plan administrator.

Funding for NANP Administration

CTIA sees no need for the Commission to establish a separate funding mechanism to recover its costs for oversight of NANP administration. The authority granted the Commission in last summer's Omnibus Budget Reconciliation Act, which permits the FCC to collect "regulatory fees to recover the costs of ... enforcement, policy and rulemaking activities, user information services, and international activities"⁴ from affected parties subject to the Commission's regulatory jurisdiction, will allow the FCC to recover its oversight costs as part of its general fee structure. Creation of a separate fee program solely for the Commission's number administration activities is unnecessary. A separate fee program would serve no purpose except to add a new layer of complexity to the existing regulatory structure, and increase the fees required to fund it.

Administrative costs incurred by the NANP administrator should be funded by the parties who participate in the numbering activities. By establishing the simple funding proposition of "to play, you must pay," the Commission can defer development of the precise cost recovery mechanism to the new administrator. This will provide the flexibility that the NANP Administrator requires to adjust its fees as needed

⁴See Title VI of the Omnibus Budget Reconciliation Act, Section 6003.

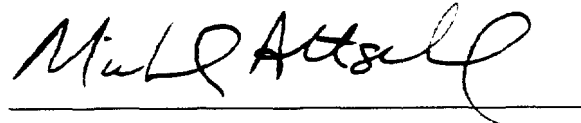
to reflect the industry's rapidly changing structure and the introduction of new services and service providers, such as those associated with PCS.

Conclusion

This rulemaking raises important issues regarding the future of number administration. To encourage the development and growth of new telecommunications services, CTIA asks the FCC to endorse the principles set forth in these comments.

Respectfully Submitted,

Cellular Telecommunications
Industry Association

A handwritten signature in black ink, appearing to read "Michael F. Altschul", is written over a horizontal line.

Michael F. Altschul
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June 7, 1994

CERTIFICATE OF SERVICE

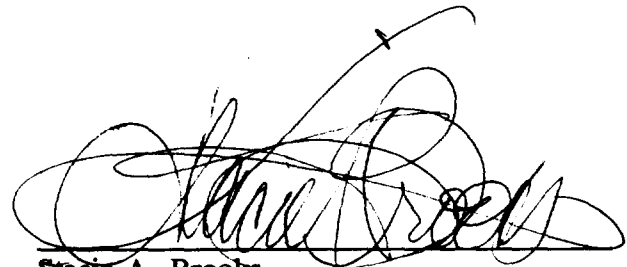


I, Stacie A. Brooks, hereby certify that on this 7th day of June, 1994, copies of the foregoing Comments of the Cellular Telecommunications Industry Association were served by hand delivery upon the following parties:

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